

**FISH AND WILDLIFE SERVICE
LAW ENFORCEMENT**

Law Enforcement

Part 442 Firearms and Use of Force

Chapter 2 Use of Force Policy

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2.1 Purpose. This chapter establishes a uniform policy regarding the use of force by Service officers in the performance of their official law enforcement duties.

A. This policy is intended to provide Service officers with an understanding of the various force options available to them, and when the application of a particular option or level of force would be considered legally permissible and reasonably necessary to perform their duties, and to protect themselves and others.

B. For the purposes of this Part 442, the term Service law enforcement officer, Service officer, or officer means any Service employee authorized to carry and utilize firearms in the performance of their official law enforcement duties.

2.2 Policy. Service law enforcement officers will use only that force necessary and reasonable to overcome the resistance offered by a suspect or individual. The level of force used by a Service officer must not be excessive or unjustified.

2.3 Definitions. The following terms and definitions are to be used in the practical application of the use of force.

A. Force. Physical presence, action or exercise of strength to compel another to act or refrain from certain behavior. It may include physical touching of another, striking, kicking, the use of chemical agents and other intermediate force weapons, restraints, and/or firearms.

B. Non-lethal Force. Force used to control a suspect or prisoner, or other person when justified, which does not normally result in serious injury or death. This usually includes physical touching of a suspect, and may be in the form of control techniques, Oleoresin Capsicum, batons, or restraining devices.

C. Deadly Force. Force which is intended or likely to cause death or serious bodily harm. Most often, deadly force involves the use of a firearm aimed at a suspect. Deadly force actually encompasses any means or instrumentality which may inflict death or serious bodily injury.

D. Unjustified or Excessive Use of Force. Force without justification or excuse; or the application of force clearly beyond that called for given the suspect's level of resistance.

2.4 Application of Force.

A. Levels of Control/Force. The levels of control or force utilized by Service officers to overcome a suspect's/individual's resistance are categorized as follows.

(1) Officer's Presence

(2) Verbal Direction

(3) Soft, empty hand control

(4) Hard, empty hand control

(5) Chemical Agents (Oleoresin capsicum)

(6) Impact Weapons

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(7) Deadly Force

B. Use of Restraints. Service officers may routinely use handcuffs, flex-cuffs, legcuffs and body chains to justifiably control, restrain, and transport persons. Restraining devices will be applied properly and in accordance with the training received so as to minimize the risk of unnecessary injury.

C. Avoidance of Risk. Service officers should not take undue risks that could result in death or serious bodily harm. Whenever possible, officers should attempt to defuse and stabilize any dangerous situation(s) by using communication skills and/or waiting for backup assistance. Officers are never required to take UNREASONABLE risks and may opt to disengage or withdraw if such action can be safely accomplished without further endangering themselves, other officers or the public.

D. Degree of Force. Service officers will only use that degree of force that is legally permissible; reasonably necessary to perform their duties; and is required to protect themselves and others. The degree of force applied depends on the circumstances and facts of a particular incident, and is governed by the following conditions:

(1) The degree of resistance or force threatened or exhibited by the suspect(s), including the suspect's possession or non-possession of a deadly weapon; and

(2) The officer's perception of that resistance, including the jeopardy of death or serious bodily harm to the officer or others implied by the suspect.

E. Deadly Force Policy. The use of deadly force is the highest level of force that can be employed by a Service officer. It will normally involve the aimed discharge of a firearm at a person with the intended effect to be the immediate incapacitation of that person. The following deadly force policy will apply to all Service officers:

A SERVICE OFFICER MAY ONLY DISCHARGE HIS OR HER FIREARM DIRECTLY AT ANOTHER PERSON WHEN THE OFFICER REASONABLY BELIEVES THAT THE OFFICER OR ANOTHER INDIVIDUAL IS IN IMMINENT DANGER OF DEATH OR SERIOUS BODILY INJURY.

2.5 Chemical Agents.

A. Oleoresin capsicum (OC). The only approved chemical agent that may be used by Service officers is Oleoresin capsicum. The Service recognizes OC as a non-lethal force alternative which can be used to defend or against and control actively resistant or violent offender/individuals. Based on the Service officers reasonable perception that OC is necessary to avoid a physical confrontation, OC may be used immediately PRIOR to hard, empty hand control techniques, impact weapons, or deadly force.

B. Authorization. Only those Service officers who have successfully completed Service approved training in the use of OC are authorized to carry and use this agent. Only Service owned and issued OC is authorized.

2.6 Impact Weapons. Service officers who have successfully completed the required training are authorized to use a baton (either straight or collapsible). This weapon may only be used by Service officers when the offender is engaged in physically aggressive resistance which puts the officer at risk of bodily harm. Batons may only be used in accordance with the training received.

2.7 Firearms

A. Guidelines. The following guidelines will govern the use of firearms by Service officers.

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(1) A firearm will be fired directly at a person only with the intent of rendering the person incapable of continuing the action or activity that justified the use of deadly force. The use of deadly force will be justified based upon the circumstances known to the officer at that time, and where the immediate application of deadly force is the only reasonable means by which the person can be quickly and dependably incapacitated or stopped.

(2) Firing at a fleeing suspect is not justified unless the Service officer has reasonable cause to believe the fleeing person poses an immediate threat of serious bodily injury or death to the officer or others, has the means to carry out that threat, and manifests an intent to do so.

(3) Warning shots can pose a hazard to innocent persons, therefore their use by Service officers is not authorized.

(4) In the presence of the public, a sidearm should only be drawn when the Service officer has cause to believe it may be needed, and to leave it in the holster would place the officer at a distinct disadvantage.

(5) Shoulder weapons (shotguns and rifles) may be displayed only when appropriate and when their use may be required.

B. Authorization. Only those Service officers who have successfully completed Service approved training on the use of firearms and are currently qualified are authorized to carry and use firearms. Only Service owned and issued firearms are authorized.

/sgd/ Denise E. Sheehan, Assistant Director – Budget, Planning and Human Resources
for DIRECTOR

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